



*Image*

00862.023317.

PATENT APPLICATION

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of:	)	
	:	Examiner: NYA
HIROMI IKEDA ET AL.	)	
	:	Group Art Unit: NYA
Application No.: 10/705,859	)	
	:	
Filed: November 13, 2003	)	
	:	
For: IMAGE PROCESSING	)	
APPARATUS, METHOD AND	:	
PROGRAM	)	April 15, 2004

Mail Stop Missing Parts  
Commissioner for Patents  
P. O. Box 1450  
Alexandria, VA 22313-1450

PETITION IN RESPONSE TO NOTICE OF OMITTED  
ITEMS IN A NONPROVISIONAL APPLICATION

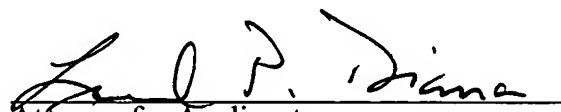
Sir:

Applicants petition for withdrawal of the NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION mailed March 31, 2004 (copy attached). The Notice states that Figure 14 was omitted from the application. Applicants believe this Notice was issued by mistake because the above-identified application was filed with fifteen (15) sheets of formal drawings, Figure 14 being depicted on sheet 14 of 15 (copy of which is attached), as evidenced by the returned receipt postcard bearing the stamp of the Patent and Trademark Office, a copy of which is also attached hereto. Accordingly, Applicants petition for withdrawal of the Notice, and that no further submission of Figure 14 is required.

In view of the above, no fee is believed to be due. However, if any fee is deemed necessary in connection with this paper, the Commissioner is authorized to charge our Deposit Account No. 06-1205.

Applicants' undersigned attorney may be reached in our New York office by telephone at (212) 218-2100. All correspondence should continue to be directed to our address given below.

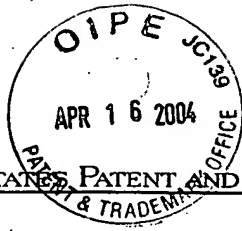
Respectfully submitted,

  
Attorney for Applicants

Registration No. 28,286

FITZPATRICK, CELLA, HARPER & SCINTO  
30 Rockefeller Plaza  
New York, New York 10112-3801  
Facsimile: (212) 218-2200

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UNITED STATES PATENT AND TRADEMARK OFFICE

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APPLICATION NUMBER	FILING OR 371 (c) DATE	FIRST NAMED APPLICANT	ATTORNEY DOCKET NUMBER
10/705,859	11/13/2003	Hiromi Ikeda	00862.023317.

5514  
 FITZPATRICK CELLA HARPER & SCINTO  
 30 ROCKEFELLER PLAZA  
 NEW YORK, NY 10112

CONFIRMATION NO. 6302

## FORMALITIES LETTER



\*OC000000012229283\*

Date Mailed: 03/31/2004

## NOTICE OF OMITTED ITEM(S) IN A NONPROVISIONAL APPLICATION

## FILED UNDER 37 CFR 1.53(b)

A filing date has been accorded to the above-identified nonprovisional application papers; however, the following item(s) appear to have been omitted from the application:

- Figure(s) **14** described in the specification.

I. Should applicant contend that the above-noted omitted item(s) was in fact deposited in the U.S. Patent and Trademark Office (USPTO) with the nonprovisional application papers, a copy of this Notice and a petition (and \$130.00 petition fee (37 CFR 1.17(h))) with evidence of such deposit **must** be filed within **TWO MONTHS** of the date of this Notice. The petition fee will be refunded if it is determined that the item(s) was received by the USPTO.

II. Should applicant desire to supply the omitted item(s) and accept the date that such omitted item(s) was filed in the USPTO as the filing date of the above-identified application, a copy of this Notice, the omitted item(s) (with a supplemental oath or declaration in compliance with 37 CFR 1.63 and 1.64 referring to such items), and a petition under 37 CFR 1.182 (with the \$130.00 petition fee (37 CFR 1.17(h))) requesting the later filing date **must** be filed within **TWO MONTHS** of the date of this Notice.

Applicant is advised that generally the filing fee required for an application is the filing fee in effect on the filing date accorded the application and that payment of the requisite basic filing fee on a date later than the filing date of the application requires payment of a surcharge (37 CFR 1.16(e)). To avoid processing delays and payment of a surcharge, applicant should submit any balance due for the requisite filing fee based on the later filing date being requested when submitting the omitted items(s) and the petition (and petition fee) requesting the later filing date.

III. The failure to file a petition (and petition fee) under the above options (I) or (II) within **TWO MONTHS** of the date of this Notice (37 CFR 1.181(f)) will be treated as a constructive acceptance by the applicant of the application as deposited in the USPTO. **THIS TWO MONTH PERIOD IS NOT EXTENDABLE UNDER 37 CFR 1.136(a) or (b).** In the absence of a timely filed petition in reply to this Notice, the application will maintain a filing date as of the date of deposit of the application papers in the USPTO, and original application papers (*i.e.*, the original disclosure of the invention) will include only those application papers present in the USPTO on the date of deposit.

In the event that applicant elects not to take action pursuant to options (I) or (II) above (thereby constructively electing option (III)), amendment of the specification to renumber the pages consecutively and cancel incomplete sentences caused by any omitted page(s), and/or amendment of the specification to cancel all references to any omitted drawing(s), relabel the drawing figures to be numbered consecutively (if necessary), and correct the

references in the specification to the drawing figures to correspond with any relabeled drawing figures, is required. A copy of the drawing figures showing the proposed changes in red ink should accompany with any drawing changes. Such amendment and/or correction to the drawing figures, if necessary, should be by way of preliminary amendment submitted prior to the first Office action to avoid delays in the prosecution of the application.

Replies should be mailed to: Mail Stop Missing Parts  
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P.O. Box 1450  
Alexandria VA 22313-1450

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*A copy of this notice **MUST** be returned with the reply.*

N. Mohammed  
Customer Service Center  
Initial Patent Examination Division (703) 308-1202

PART 1 - ATTORNEY/APPLICANT COPY



*Mail Stop New Application*

Commissioner for Patents  
P.O. Box 1450  
Alexandria, VA 22313-1450

Date 11 / 13 / 03  
Mo. Day Yr.

Any. Docket 00862.02337

Sir:

Kindly acknowledge receipt of the accompanying:

- ☒ Specifications, claims and abstract 27 pages, with Transmittal Form
- ☒ Patent Application Bibliographic Data Sheet 2 sheets
- ☒ Executed Oath or Declaration and Power of Attorney
- ☒ 15 Sheets of X formal        informal drawings
- ☒ Check for \$ 770 (filing fee)
- ☐ Request for Continued Examination and Check for \$
- ☒ Assignment, PTO-1595 and Check for \$ 46
- ☐ Transmittal Under 37 CFR 1.53(d) (CPA)
- ☐ Petition under 37 CFR 1.136 and check for \$
- ☒ Other (specify) Information Disclosure Statement, PTO 1449 + Search documents

by placing your receiving date stamp hereon and mailing or returning to deliver.

This is a ☐ Continuation ☐ Divisional ☐ Continuation-In-Part

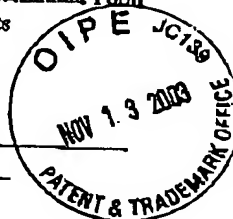
Atty. YK. WAT

Due Date 11 / 12 / 03  
Mo. Day Yr.

37 CFR 1.8 ☐

37 CFR 1.10 ☐

By Hand ☒



FD-35-A-10



14/15

10/705.859

FIG. 14

1401

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